IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No.2606 of 2004
Date of decision: February 13,2007

Shamsher Singh V. Jagar Singh and others

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri G.S.Bhatia,Advocate, for the appellant.
Shri J.S. Chaudhary, Sr. Advocate with Shri Kamaldeep Singh, Advocate, for respondent No.1.
Shri K.S.Boparai, Advocate, for respondents No.3 and 4.

Viney Mittal,J.(Oral)

Defendant No.6, Shamsher Singh is the appellant before this court. In a suit for possession filed by Jagar Singh, the defendants have lost concurrently before the two courts below.

The dispute is with regard to the estate left behind by Pritam Singh son of Rulia Singh. Plaintiff Jagar Singh is also another son of Rulia Singh. He claimed that Pritam Singh had died issueless and without any widow and after his death his estate was to devolve as per natural succession.

The suit was contested by defendant No.6, Shamsher Singh, alone. He set up a will dated December 25,1993 claiming that the aforesaid will was executed by Pritam Singh bequeathing his entire property in his favour.

Both the courts below have held that the will Ex.D2 was shown to be surrounded by suspicious circumstances. As a matter of fact the courts below have opined that the said will Ex.D2 did not appear to have the signatures of Pritam Singh and as such could not be taken to have ever been executed by Pritam Singh. Consequently, the suit filed by the plaintiff was decreed by the trial court and the appeal filed by defendant No.6 failed before the first appellate court.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

February 13,2007 (Viney Mittal)
sks Judge